

## IA Housing Review factsheet

### 1. Introduction

This Fact Sheet should be read in conjunction with the Grenfell Rehousing Policy and the Wider Grenfell Rehousing Policy of RBKC.

The Independent Adjudicator (IA) is available to deal with review requests from former residents of Grenfell Tower and Grenfell Walk and residents of Barandon Walk, Hurstway Walk, Testerton Walk, Bramley House and Treadgold House.

The IA can consider the following issues:

- The suitability of emergency, temporary or permanent accommodation offered.
- The suitability of temporary or permanent accommodation reserved.
- The number of Housing Register points awarded.
- Whether a new home accepted by a resident is ready to move into.

It is the Council's decision whether or not a person or family were Grenfell residents living in one of the above properties in order for the IA's services to be available. The IA will not consider the Council's rehousing policies, for example whether or not a certain person or group of people should be included or excluded from those policies.

The IA provides a free, independent and impartial service.

The IA deals specifically with complaints about Grenfell services. If she finds something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the IA aims to get it put right by recommending a suitable remedy.

### 2. Who is the Independent Adjudicator?

The Independent Adjudicator is Ms Rita Parmar. She is appointed by the Council to carry out an independent investigation of all Grenfell related Stage 3 complaints, and in respect of this Fact Sheet, an investigation into the suitability of accommodation offered to you if requested by you. She is a non-practising solicitor with over 20 years' experience specialising in housing law for tenants and homeless applicants as well as investigating complex complaints as an Ombudsman.

### 3. What sort of complaints can the IA investigate?

The Stage 3 Complaints Fact Sheet and Procedure sets out the situations where the IA can be appointed to consider a Stage 3 Complaint. This Fact Sheet is solely for the IA review of those issues at paragraph 1 above.

#### 4. What does the IA look for during the review?

##### Suitability of emergency, temporary or permanent accommodation offered or reserved

- Location
- Type of dwelling
- Number and size of bedrooms
- Size of the property
- Whether or not it suits an existing physical or mental health issue
- Affordability of the property.

##### Whether a new home accepted by a resident is ready to move into

- If all agreed necessary repairs and improvements have been carried out.
- If any remaining repairs and improvements can be carried out whilst the home is occupied.
- If all the necessary health and safety checks have been done.

#### 5. Internal and External Reviews

##### **Emergency and Short Term Temporary Accommodation ('TA')**

If you have a complaint about the TA offered to you, then you can ask the IA to consider the suitability of the offer of the TA at the same time as asking the Council to review their decision as well.

You can do this by asking the Council to send it to the IA and she will then contact you and investigate. Her decision will be made within 15 working days from the date the Council contacts her. The Council will make their decision within 2 working days of their review if it is emergency accommodation or within 15 calendar days if it is short term temporary accommodation.

##### **Long Term Temporary and Long Term Settled Accommodation offered to you or reserved for you**

Once the Council has accepted it has a legal duty to rehouse you, if you consider a temporary or settled home offered to you or reserved for you on a long term basis is unsuitable, then you can ask the Council's Housing Review and Scrutiny team to carry out an internal review of their decision that it is suitable.

You must make your request within 21 days of the offer being made. At the same time, you can ask the IA to carry out her own investigation as well. The law says that the Council then have 56 days to investigate and carry

out their internal review. During that process you could ask the Council to extend the 56 day period for the review. Also, the IA could ask the Council's review team to extend the 56 day period. Any extension would only happen if you agreed and might be needed, for example, to obtain a medical report or interview relevant people.

The IA will reach her decision within 15 working days. If the decision is not in your favour, the Council investigation will continue. If it is in your favour, then the Council will stop their review. Make sure that you provide as much information as possible with your request, including any relevant documents and why you think the property is unsuitable.

### **Readiness of a New Home Accepted**

If you consider that a home you have already accepted as suitable is not ready for you to move into then you can ask the IA to consider whether it is or not at the same time as asking the Council to review their decision as well. You can do this by asking the Council to send it to the IA and she will then contact you and investigate. Her decision will be made within 15 working days from the date the Council contacts her. The Council will make their decision within 5 working days.

Remember that if someone is helping you (e.g. a friend or a solicitor), then the Council and the IA will need your consent to be able to discuss it with them. If they need information from your GP or other health professional, your consent will be needed for them too.

### **6. How will the IA investigate?**

The Council will provide the IA with several documents which they used to make their original decision that she is now reviewing. She will also ask the Council and you to comment on the issues of suitability. If at any time during the process you send documents to the IA, then she will also send copies to the Council and vice versa.

Usually the IA will interview Council staff to seek further information and clarification where necessary as well as visiting the offered property. The IA may also wish to meet with you and this would be at a place and time convenient for you.

The IA will continue looking into your case until she has enough information to allow her to come to a view and that will be within 15 working days of the case being referred to her.

If the IA's report is likely to find fault with a specific member of the Council's staff, then the draft report will be sent to that person beforehand to allow him/her the opportunity to respond.

### 7. What can the IA recommend as a remedy?

If the IA finds in your favour that the property offered was not suitable, then she will usually ask the Council to act to resolve the matter. Sometimes the Council itself will suggest this. If the IA thinks that the proposed action is fair, the IA will tell you so and close the matter. There are many different possibilities to list here, but the IA might ask the Council to:

- apologise to you
- carry out repairs or improvements on the offered property, where applicable and appropriate
- make an offer of another property
- reconsider a decision that it did not take properly in the first place
- improve its procedures.

### 8. Is the recommendation binding?

Yes. The Council must carry out the recommendation of the IA and within the timeframe suggested in her report.

### 9. Can I go to court as well?

The IA cannot investigate complaints against the Council where you have already asked a solicitor to make a claim in court for you unless she thinks that there are good reasons why you should not have to do that. If you have already gone to court, an appeal, it is very unlikely that the IA would consider the issue of suitability. If you go to court while the IA is already looking at your complaint, she will have to stop her investigation.